

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE DISTRICT DENTAL SOCIETY OF THE  
FIRST JUDICIAL DISTRICT, d/b/a THE NEW  
YORK COUNTY DENTAL SOCIETY,

Plaintiff,

-against-

THE NEW YORK COUNTY DENTAL  
ASSOCIATION, INC., ELLIOTT MOSKOWITZ,  
MELVYN LEIFERT, and ROBERT RAIBER,

Defendants.

**Case No. 08 CV 05062-LTS-MHD**

**NOTICE OF MOTION TO  
DISMISS COUNTS TWO, THREE,  
FOUR, FIVE, AND SIX**

**NOTICE OF MOTION TO DISMISS COUNTS TWO, THREE, FOUR, FIVE, AND SIX**

PLEASE TAKE NOTICE, that upon Defendants New York County Dental Association, Elliott Moskowitz, Melvyn Leifert, and Robert Raiber's ("Defendants") Memorandum of Law in Support of the Motion to Dismiss Counts II, III, IV, V and VI of the Complaint, and the July 30, 2008 Declaration of Tamar Y. Duvdevani, Defendants, through their undersigned counsel, move this Court for an Order dismissing Counts Two, Three, Four, Five, and Six of Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted.

**NIXON PEABODY LLP**

/s/ Tamar Duvdevani  
Tamar Y. Duvdevani (TD 1974)

437 Madison Avenue  
New York, New York 10022  
Phone: (212) 940-3000